

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**76 LTD.**  
Section 23, Seventy-Six Township  
Washington County, Iowa  
Facility ID #59410

ADMINISTRATIVE CONSENT ORDER  
NO. 2008-AFO-31

**TO:** Jarad Klein, Operator  
76 LTD.  
1744 Keokuk  
Keota, IA 52248

John Klein, Registered Agent  
76 LTD.  
1980 Elm Avenue  
Keota, IA 52248

**VIOLATION:** 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete manure management plan (MMP) update to the Iowa Department of Natural Resources (DNR), to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by June 1, 2008. You also failed to submit the annual compliance fees. The facility was sent a notice of the requirements on April 14, 2008 and a notice of violation letter on June 13, 2008. On July 11, 2008, the facility was sent a notice of referral. Additionally, the facility was issued a notice of violation on August 8, 2007 for the same violations as those cited in this administrative consent order.

**ORDER:** If you have not already done so, you must submit the complete MMP update and applicable fees to DNR Field Office 6 within 30 days of the date the Director signs this administrative consent order. Additionally a penalty of \$2,000.00 shall be paid within 30 days of the date the Director signs this administrative consent order. This penalty shall be paid to the DNR at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,200.00 of this amount is based on the gravity of the violation; considering the size of the facility, agency costs in addressing the violations, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$700.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed, and the facility was sent several notices of the requirements by the DNR.

**AUTHORITY:** Iowa Code §455B.109, §459 103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

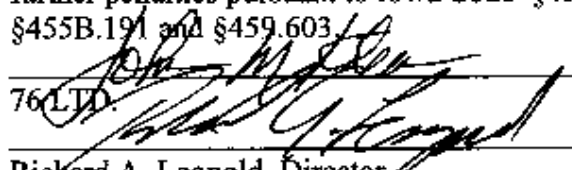
**APPEAL:** This administrative consent order is entered into knowingly by and with the consent of 76 LTD. For that reason, 76 LTD. waives the right to appeal this administrative consent order or any part thereof.

**NONCOMPLIANCE:** If you fail to comply with this administrative consent order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.

76 LTD.

Dated this 12 day of August, 2008.

Dated this 2 day of October, 2008.

  
Richard A. Leopold, Director  
Iowa Department of Natural Resources  
502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319